REMARKS

Claims 1-10 are all the claims pending in the application, of which claims 1 and 5 are independent. It is respectfully submitted that the pending claims define patentable subject matter.

Claim Rejections - 35 U.S.C. § 103

1. *Independent claim 5 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Baum in view of Boothby and Dlugos, and further in view of Official Notice.*

Independent claim 5 recites, among other features, "when it has been determined that the current postal data has not changed, franking the mail item with the current postal data using a franking machine even though the date of application of the current postal data is out of date."

The Examiner concedes that Baum does not disclose means for receiving a decision of the operator whether to replace the postal tariffs, for updating them at the operator's request, but points to Dlugos as allegedly teaching this feature (Office Action, page 12).

The Examiner also takes Official Notice that it is known to continue to operate a franking machine with current postal data when it is determined that the postal data has not changed (Office Action, page 13). Applicants disagree.

This is not at all true if the date of the application of this current data is out of date. On the contrary, the cited art teaches replacing the old table of tariffs with a new table of tariffs when the date of application of the old tariffs is out of date (see e.g., Dlugos). For example, Dlugos discloses that that the Central Office informs the meter that the postal rates are changing and that the postal table of tariffs will require modification (). Then the user must insert a module on a socket of the meter (column 4, lines 55-59). If a module is not inserted, the meter is

out of service (column 5, line 2). On the other hand, if the module is present, a data communication is established between the Central Office and the meter, and the new rates are downloaded in the module (column 5, lines 15 and 37-40). Thus, the new tariffs all replace the old tariffs, and consequently, the old tariffs cannot be used after receiving this information from the central office. That is, in Dlugos, the user has no choice as to whether or not to replace the tariffs.

On the other hand, in the unique combination of claim 5, when the date of application of the new tariffs is reached, as in the prior art, these new tariffs are downloaded in the meter, but in contradistinction with Dlugos, the new tariffs do not replace the old tariffs.

Therefore, if the Examiner intends on maintaining this rejection, Applicants respectfully request that the Examiner point to some evidence that this feature is well known. With such evidence, it is respectfully submitted that the combination of claim 5 is patentable over the cited art at least because none of the cited art discloses "when it has been determined that the current postal data has not changed, franking the mail item with the current postal data using a franking machine even though the date of application of the current postal data is out of date."

Claim 8 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Baum in view of Boothby, Dlugos, and Official Notice, and further in view of Eckert (US 4,516,014).

Eckert does not remedy the deficiencies of Baum, Boothby, and Dlugos in that Eckert does not disclose or suggest franking with current postal data even though the date of application of the current postal data is out of date. Therefore, claim 8 is patentable over the cited references at least by virtue of their dependency on claim 1.

Claims 1-3, 6, 7, 9, and 10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Baum et al. (US 7,103,583; hereinafter "Baum") in view of Boothby (US 5,684,990 and Dlugos et al. (US 6,463,133; hereinafter "Dlugos"). Applicants traverse this rejection for at least the following reasons.

Claim 1 recites, among other features, "a franking machine which franks the mail item with the current postal data when it has determined that the current postal data has not changed, even though the date of the application of the current postal data is out of date."

Accordingly, claim 1 is patentable over the cited references for at least the same reasons discussed above relating to independent claim 5.

Furthermore, the Examiner alleges that although Baum does not disclose a comparing means for comparing one by one postal data in a first table with corresponding postal data in a second table, but alleges that it would have been obvious to have modified Baum to have compared the postal tariffs of one table against the other instead of comparing release dates of the tables to ensure that the postal tariffs are valid and updated (Office Action, page 6). In addition, the Examiner alleges that Boothby discloses comparing one by one data in a first table with a second table to determine whether the data has changed and that it would have been obvious to have used hits technique in Baum to yield predictable results and because comparing the results one by one would result in an improved system with better accuracy (Office Action, page 6).

However, the reason why Boothby compares the data records one by one is because the data records of the first "table," e.g., a handheld computer, and the data records of the second "table," e.g., a desktop computer, are each independently updated (see column 1, lines 16-17).

That is, each table must be reconciled with the other table. In the updating the postal tariffs, on

the other hand, the updating occurs in one direction, i.e., the new tariffs replace the old tariffs.

Therefore, such one-by-one comparison from Boothby would not be necessary in Baum and in

fact would appear to be more complex than the comparison of release dates performed in Baum.

Accordingly, claim 1 is further patentable over the cited references because it would not

have been obvious to have modified Baum based on Boothby as proposed by the Examiner.

Claims 2, 3, 6, 7, 9, and 10 are patentable at least by virtue of their dependency on one of

claims 1 and 5.

Claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Baum

in view of Boothby and Dlugos and further in view of Thiel (US 6,321,214).

Thiel does not supply the deficiencies of Baum, Boothby, and Dlugos in that Thiel does

not disclose franking a mail item with the current postal data when it has determined that the

current postal data has not changed, <u>even though the date of the application of the current postal

data is out of date</u>, not does not Thiel disclose comparing the postal data one-by-one.

Accordingly, claim 4 is patentable over the cited references at least by virtue of its

dependency on claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

/Stacey A. Fluhart/_____

SUGHRUE MION, PLLC   Stacey A. Fluhart
Telephone: (202) 293-7060   Registration No. 63,726
Facsimile: (202) 293-7860
WASHINGTON OFFICE
23373
CUSTOMER NUMBER
Date: July 27, 2010